HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 17504 OF 2006

Between:

Katamareddy Sundarrami Reddy

..... Petitioner

AND

Election Commission of India,
Rep. by its Under Secretary,
New Delhi & others

.....Respondents

:: O R D E R ::

Counsel for the petitioner : Shri P. Chakravarthy for
Shri O. Manohar Reddy

Dated: 01.11.2006

Per G.S.SINGHVI, CJ

In this petition filed in the name of public interest, the petitioner – Shri Katamareddy Sundarrami Reddy has prayed for declaring the election of respondent No.5 – Shri Polamreddy Srinivasulu Reddy as illegal and for issue of a direction to non-suit him from 127 Kovur Assembly Constituency.

Learned counsel for the petitioner says that his client has died and he has filed an application for substitution of Shri Niranjan Babu Reddy in place of the deceased petitioner, but the same has not been listed before the Court.

In our opinion, in a petition filed in public interest, a third person cannot get himself substituted in place of the one who had filed the writ petition and who may have died during the pendency of the petition.

With the above observations, the writ petition is disposed of as infructuous. However, it is made clear that this order shall not preclude Shri Niranjan Babu Reddy or any other public-spirited person to file fresh petition in public interest to question the election of respondent No.5.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

01.11.2006
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